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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,177	12/01/2003	Robert A. Ellis	FQ-03	2054
7590 William J. Kolegraff 3119 Turnberry Way Jamul, CA 91935		08/15/2007	EXAMINER MERCHANT, SHAHID R	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 08/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,177

Applicant(s)

ELLIS ET AL.

Examiner

Shahid R. Merchant

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3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Priority

1. Examiner has given consideration to applicant's Provisional Application No. 60/430,527 filed on December 3, 2002. For examining purposes of this application, the effective filing date will be December 3, 2002.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 2-4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 2-4 recites the limitation "the soliciting element" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
6. Claims 1-18 rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. Applicant claims a method in which investment information is solicited from a member and then the member is given an initial rating. Depending on a value of

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an investment, the rating may be adjusted. Examiner is unclear as to how this invention is useful and/ or novel to someone skilled in the arts. There does not appear to be a positive step in the claims of doing anything based on the rating of the member.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings et al., U.S. Patent No. 6,606,615 (see PTO-892, Ref. A) in view of Peterson et al., U.S. Patent No. 7,016,873 (see PTO-892, Ref. B) and further in view of Gatto, U.S. Patent Application Publication 2002/0052820 (see PTO-892, Ref. C).

9. As per claim 1, Jennings teaches a method for managing investment information, comprising: registering a member (see column 17, lines 18-39 and abstract); soliciting investment experience data from the member (see column 17, lines 18-39); receiving a target projection from the member, the target projection being a speculation of a value of the investment in the future (see column 19, lines 19-28 and abstract) and adjusting the initial rating of the member to an adjusted rating responsive to the accuracy of the target projection (see column 24, lines 36-67 and column 25, lines 1-36).

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Jennings does not explicitly teach associating an initial rating with the member responsive to the investment experience data and presenting to the member investment information collected from other members regarding an investment.

Peterson teaches associating an initial rating with the member responsive to the investment experience data (see Figures 1A, 1B, 1C and column 4, lines 19-29).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Jennings, Peterson and Gatto to associate an initial rating responsive to investment experience because it allows one to measure a members risk tolerance as taught by Peterson (see column 4, lines 19-29).

Gatto teaches presenting to the member investment information collected from other members regarding an investment (see Figure 38 and paragraphs 321-324).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Jennings, Peterson and Gatto to share information collected from other members, because it allows one to measure and analyze the past performances of several members as taught by Gatto (see paragraph 17).

10. As per claim 2, Jennings, Peterson and Gatto teach the method of claim 1 as described above. Jennings further teaches wherein the soliciting element further includes receiving initial projection targets for a test investment; comparing the initial projection targets to targets derived from the investment information; and using the comparison in determining the initial rating (see column 22, lines 57-65).

11. As per claim 3, Jennings, Peterson and Gatto teach the method of claim 1 as described above. Jennings further teaches wherein the soliciting element further includes requiring the member to answer an investment experience question by selecting one or more predetermined answers (see column 21, lines 8-47).

12. As per claim 4, Jennings, Peterson and Gatto teach the method of claim 1 as described above. Jennings further teaches wherein the soliciting element further includes requiring the member to answer an investment experience question by inputting a free-form response (see column 21, lines 8-47).

13. As per claim 5, Jennings, Peterson and Gatto teach the method of claim 4 as described above. Jennings, Peterson and Gatto do not explicitly teach further including processing the free-form response for a word pattern indicative of an investment skill level. Official Notice is taken that Optical Character Recognition (OCR) is old and well known in the arts.

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Jennings, Peterson, Gatto and Official Notice to recognize word patterns indicative of investor skill level because it allows for the rating of the member based on their free-form response.

14. As per claim 6, Jennings, Peterson and Gatto teach the method of claim 1 as described above. Jennings further teaches further including filtering the investment information according to member rating (see column 21, lines 48-67 and column 22, lines 1-15).

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15. As per claim 7, Jennings, Peterson and Gatto teach the method of claim 1 as described above. Jennings further teaches further including filtering the investment information by excluding specific members (see column 21, lines 48-67 and column 22, lines 1-15).

16. As per claim 8, Jennings, Peterson and Gatto teach the method of claim 1 as described above. Jennings further teaches wherein presenting the investment information includes presenting other member dialog in the form of posts for a discussion group (see column 36, lines 24-52).

17. As per claim 9, Jennings, Peterson and Gatto teach the method of claim 1 as described above. Jennings does not explicitly teach wherein presenting the investment information includes presenting an indicia of member ratings.

Gatto teaches wherein presenting the investment information includes presenting an indicia of member ratings (see Figure 41).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Jennings, Peterson and Gatto to include an indicia of member rating, because it allows one to measure and analyze the past performances of several members and their accuracies at predicting stock values as taught by Gatto (see Figure 41).

18. As per claim 10, Jennings, Peterson and Gatto teach the method of claim 1 as described above. Jennings further teaches further including receiving the target projection for the investment in a specific time period (see Figure 5A and column 26, lines 6-36).

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19. As per claim 11, Jennings, Peterson and Gatto teach the method of claim 10 as described above. Jennings further teaches wherein the time period is N weeks in the future, and the target projection is a speculation of the average value of the investment in the time period (see Figure 5A and column 26, lines 6-36).

20. As per claim 12, Jennings, Peterson and Gatto teach the method of claim 1 as described above. Jennings further teaches wherein the time period is one week (see Figure 5A and column 26, lines 6-36).

21. Claim 13 recites similar limitations to claim 1 and thus rejected using the same art and rationale in the rejection of claim 1 as set forth above.

22. Claim 14 recites similar limitations to claim 6 and thus rejected using the same art and rationale in the rejection of claim 6 as set forth above.

23. Claim 15 recites similar limitations to claim 4 and thus rejected using the same art and rationale in the rejection of claim 4 as set forth above.

24. Claim 16 recites similar limitations to claim 5 and thus rejected using the same art and rationale in the rejection of claim 5 as set forth above.

25. Claim 17 recites similar limitations to claim 7 and thus rejected using the same art and rationale in the rejection of claim 7 as set forth above.

26. Claim 18 recites similar limitations to claim 5 and thus rejected using the same art and rationale in the rejection of claim 5 as set forth above.

27. Claim 19 recites similar limitations to claim 1 and thus rejected using the same art and rationale in the rejection of claim 1 as set forth above.

Conclusion

The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid R. Merchant whose telephone number is 571-270-1360. The examiner can normally be reached on First Friday Off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammel can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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SRM


KELLY COLBERG
PRIMARY EXAMINER